



Agenda Date: 12/01/04
Agenda Item: IV A-2

STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.bpu.state.nj.us

TELECOMMUNICATIONS

IN THE MATTER OF THE JOINT APPLICATION OF)	<u>ORDER APPROVING</u>
VERIZON NEW JERSEY INC. AND LIGHTYEAR)	<u>INTERCONNECTION</u>
COMMUNICATIONS, INC. FOR APPROVAL OF AN)	<u>AGREEMENT</u>
ADOPTION OF AN INTERCONNECTION AGREEMENT)	
UNDER SECTION 252 OF THE)	
TELECOMMUNICATIONS ACT OF 1996)	DOCKET NO. TM03070501

(SERVICE LIST ATTACHED)

BY THE BOARD:

By letter dated July 2, 2003, Verizon New Jersey Inc. ("Verizon"), and Lightyear Communications, Inc. ("Lightyear"), (individually, "a Party", and jointly, "the Parties"), pursuant to Section 252(e) of the Telecommunications Act of 1996, P.L. 104-104, 110 Stat. 56 (codified in scattered sections of 47 U.S.C. §151 et seq.) ("the Act"), submitted to the Board of Public Utilities ("Board") a joint application ("Application") for approval of a certain negotiated interconnection agreement dated May 23, 2003 ("the Agreement").

Lightyear has exercised its rights under Section 252(i) of the Act to opt into an interconnection agreement between Verizon and Z-Tel Communications, Inc., which was previously approved by the Board. See Order TM0110067 dated (December 5, 2002).

The Agreement sets forth the terms, conditions, and prices under which Verizon will offer and provide access to unbundled network elements, ancillary services, and wholesale telecommunications services available for resale to Lightyear. The Agreement is in effect until June 1, 2003 and thereafter, as noted in the Agreement, continues in full force and effect unless terminated as provided in the Agreement.

The Division of the Ratepayer Advocate has raised objections to certain provisions of the Agreement. Consistent with prior Board Orders, the Board declines to make modifications to the Agreement. See, for example, Order, I/M/O the Joint Application of Verizon New Jersey, Inc. and Ernest Communications, Inc. For Approval of an Interconnection Agreement Under Section 252(e) of the Telecommunications Act of 1996, Docket No. TO02050287, dated September 18, 2002.

Pursuant to 47 U.S.C. §252(a)(1), an incumbent LEC may negotiate and enter into a binding interconnection agreement with a carrier requesting interconnection, service, or network elements. In addition, 47 U.S.C. §252(e)(1) requires approval by the Board of any interconnection agreement adopted by negotiation or arbitration, and further requires the Board to approve or reject the Agreement, with written findings as to any deficiencies. The Act provides that the Board may reject a negotiated agreement only if it finds that: (i) the agreement (or portion thereof) discriminates against a telecommunications carrier not a Party to the agreement; or (ii) the implementation of such agreement or portion thereof is not consistent with the public interest, convenience, and necessity. [47 U.S.C. §252(e)(2)(A)].

The Board's review of the Agreement and the record in this matter indicate that the Agreement is consistent with the public interest, convenience, and necessity, and that the Agreement does not discriminate against telecommunications carriers not parties to the Agreement. Therefore, the Board FINDS that the Agreement meets the standards set forth in the Act, and HEREBY APPROVES the Agreement as presented by the Parties. This approval should not be construed as preapproval of any future petitions for rate recovery of costs incurred pursuant to the Agreement, nor shall the Board be bound by any provisions within the Agreement regarding the confidentiality of information.

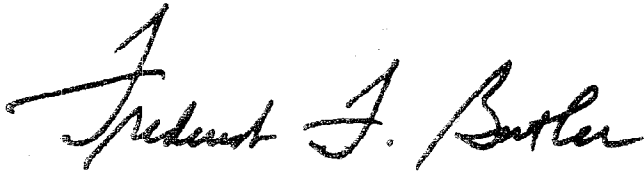
The Board notes that amendments or modifications to Board-approved interconnection agreements are subject to Board review and approval. No agreement shall be read, nor does the Board believe the Parties to the Agreement intend that it be read, to limit the authority of the Board under Section 252(e) of the Act to review interconnection agreements. Accordingly, until and unless otherwise provided by the Board, subsequent amendments or modifications to the Agreement approved herein shall be subject to review and approval by the Board.

DATED: 12/2/04

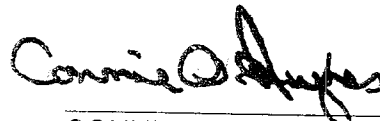
BOARD OF PUBLIC UTILITIES
BY:



JEANNE M. FOX
PRESIDENT



FREDERICK F. BUTLER
COMMISSIONER

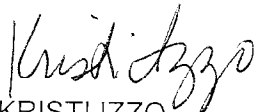


CONNIE O. HUGHES
COMMISSIONER



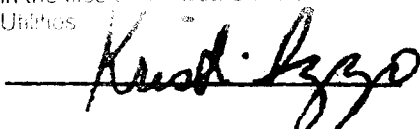
JACK ALTER
COMMISSIONER

ATTEST:



KRISTI IZZO
SECRETARY

I HEREBY CERTIFY that the within
document is a true copy of the original
in the files of the Board of Public
Utilities



Service List

Docket No. TM03070501

Bruce D. Cohen
Vice President, General Counsel
Legal Department
Verizon New Jersey
540 Broad Street, 20th Floor
Newark, NJ 07102

James M. Corcoran
Jimarli Figueiredo
Board of Public Utilities
Division of Telecommunications
Two Gateway Center
Newark, NJ 07102

Seema M. Singh, Acting Ratepayer Advocate
Christopher White, Esq.
Maria Novas-Ruiz, Esq.
Division of Ratepayer Advocate
31 Clinton Street, 11th Floor
P.O. Box 46005
Newark, NJ 07101

Elise Goldblat, D.A.G.
Alex Moreau, D.A.G.
Department of Law & Public Safety
124 Halsey Street, 5th Floor
Newark, NJ 07102

John J. Grieve
Lightyear Communications, Inc.
1901 Eastpoint Parkway
Louisville, KY 40223